IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 18701 of 2006(B)

PETITIONER:

J.RAVEENDRA RAJU,
NIDHIN BHAVAN, KUSAVARKONAM, VENPAKAL P.O.,
ARALUMOODU VIA, THIRUVANANTHAPURAM-695 123.
(ADDITIONAL REGISTRAR OF CO-OPERATIVE SOCIETIES,
SECRETARY, KERALA STATE CO-OPERATIVE EMPLOYEES
PENSION BOARD, THIRUVANANTHAPURAM-695 001.(FORMER)

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, CO-OPERATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER - ADV. A.G.ANEETHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/01/2007, ALONG WITH WPC NO. 27881 OF 2006
THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) NO. 18701/06

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	COPY OF THE REPRESENTATION DATED 12/06/2006.
EXT.P2	COPY OF THE REPRESENTATION DATED 02/02/2006.
EXT.P3	COPY OF THE G.O. DATED 14/07/2006.
EXT.P4	COPY OF THE LETTER DATED 14/07/2006.
EXT.P5	COPY OF THE POSTAL RECEIPTS DATED 11/05/2006.
EXT.P6	COPY OF THE MEMO OF CHARGES DATED 08/10/2004.
EXT.P7	COPY OF THE WRITTEN STATEMENT OF DEFENCE DATED 10/11/2004.
EXT.P8	COPY OF THE LETTER DATED 10/05/2005 OF 1ST RESPONDENT.
EXT.P9	COPY OF LETTER DATED --/05/05 OF THE 2ND RESPONDENT.
EXT.P10	COPY OF THE CERTIFICATE OF POSTING DATED 12/06/2006.
EXT.P11	COPY OF THE NOTE DATED 16/05/2006
EXT.P12	COPY OF THE SUBMISSION DATED 16/05/2006.
EXT.P13	COPY OF THE NOTE DATED 16/05/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 18701 & 27881 of 2006

Dated, this the 30th day of January, 2007

J U D G M E N T

Both the writ petitions are filed by the same petitioner, who was Additional Registrar of Co-operative Societies, challenging suspension order and order declining leave on medical grounds. Learned Government Pleader submitted that suspension was initiation of disciplinary proceedings and petitioner wanted to leave the service prematurely to avoid disciplinary action for irregularity. Firstly, disciplinary action initiated against the petitioner was for releaving a Joint Registrar from service against whom disciplinary proceedings were initiated, without Government permission. Learned Government Pleader submitted that when show cause notice was issued proposing censure, petitioner instead of filing reply, applied for leave, which was declined. Learned Government Pleader submitted that a fresh show cause notice was issued on 20/10/2006 proposing enhancement of punishment by reduction of Rs. 1,000/- from pension. Even though petitioner has controverted the charges alleged against him, I do not think, it is proper for this court to entertain it and enter findings on the allegations, because Department has not completed enquiry and has not taken any

final decision. Since, the petitioner is no more in service and has attained the age of superannuation on 30/09/2006, there is no scope for entertaining the challenge against suspension or denial of leave. These writ petitions are therefore closed leaving freedom to the petitioner to file reply to show cause notice, if not already filed, and participate in balance disciplinary proceedings. Petitioner is free to challenge any action taken, and in that event, it will be open to the petitioner to raise contentions, raised in these writ petitions also, in support of challenge against final action taken against him. Since the petitioner has retired from service, I direct the Government to complete all enquiry and take final decision about his entitlement for arrears of salary, retirement benefits and pension at the earliest, in case within a period of three months from the date of production of a copy of this judgment.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg